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October 20, 2004



**VIA U.P.S. OVERNIGHT**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

**Attention:** Victoria Rutson

**RE: Docket No. AB-33(Sub-No. 195X), Union Pacific Railroad Company  
- Abandonment Exemption - In Salt Lake County, Utah from M.P. 0.0 to  
M.P. 2.74 (Sugar House Branch)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after November 10, 2004.

Sincerely,

Enclosures

ENTERED  
Office of Proceedings

001 1 10

Public

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**Mack H. Shumate, Jr.**  
Senior General Attorney, Law Department

**UNION PACIFIC RAILROAD**  
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718  
ph. (312) 777-2055 fx. (312) 777-2065

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 195X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN SALT LAKE COUNTY, UTAH  
(SUGAR HOUSE BRANCH)

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Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY  
Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

Dated: October 20, 2004  
Filed: October 21, 2004

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 195X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN SALT LAKE COUNTY, UTAH  
(SUGAR HOUSE BRANCH)

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Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. §1105.7(e) and 49 C.F.R. §1105.8(d), respectively, for an exempt abandonment and discontinuance of service over the Sugar House Branch from milepost 0.0 near Roper to the end of the branch at milepost 2.74 near Sugar House, a distance of 2.74 miles in Salt Lake City, Salt Lake County, Utah (the "Line"). The Line is currently owned by Utah Transit Authority ("UTA") and UP's abandonment of its interests in the Line and discontinuance of its operations over the Line will not alter the current physical status of the Line. The Line traverses U. S. Postal Service Zip Codes 84106, 84115 and 84119.

The UP anticipates that a Petition for Exemption to abandon the Line will be filed at the STB on or after November 10, 2004.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies marked

**Attachment No. 2** is attached hereto and hereby made a part hereof. Responses, if any, received to UP's letters to date are attached and sequentially numbered.

**ENVIRONMENTAL REPORT**  
**49 C.F.R. § 1105.7(e)**

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves the abandonment and discontinuance of service over the Sugar House Branch from milepost 0.0 near Roper to the end of the branch at milepost 2.74 near Sugar House, a distance of 2.74 miles, in Salt Lake County, Utah. UP proposes to abandon its freight operating easement and trackage rights over the Line. The Line is currently owned by UTA. In 2002, the Line served two customers, Harbison Walker Refractories ("Harbison") and Burton Lumber Company ("Burton Lumber"). Harbison received cars in 2002 and then relocated off the UP railroad network in 2003. Burton Lumber was an active shipper on the Line until it relocated to another UP served location in Salt Lake City in October of 2003. Therefore, there is no customer impact associated with the proposed abandonment. The shipping profiles for these customers are as follows

Burton Lumber Company  
1170 South 4400 West  
Salt Lake City, UT 84104

2002:

Lumber, Rough or Dressed, STCC 24211, 271 cars, 23,581 tons.  
Prefabricated Structural Members, STCC 24391, 2 cars, 183 tons  
Oriented Strand Board, STCC 24991, 336 cars, 31,532 tons

Total: 609 cars, 55,296 tons

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Through October, 2003 when Burton Lumber relocated operations off the Line:

Lumber, Rough or Dressed, STCC 24211, 262 cars, 22,682 tons  
Oriented Strand Board, STCC 24991, 288 cars, 27,215 tons  
Wood Particle Board, STCC 24996, 2 cars, 179 tons

Total: 552 cars, 50,076 tons

Harbison Walker Refractories  
4521 West 1980 South, Suite 503  
Salt Lake City, UT 84104-4719

2002 Only:

Clay Refractories, STCC 32551, 3 cars, 199 tons  
Brick or Blocks, STCC 32511, 1 car, 77 tons

Total: 4 cars, 276 tons

Since there are no longer any customers located on the Line, there will be no adverse impact from the proposed abandonment. Burton Lumber is now utilizing UP service at another location in Salt Lake City. Harbison Walker chose to relocate to a location in Salt Lake City that is not rail served. The Salt Lake City area is also served by the Burlington Northern and Santa Fe Railroad and numerous major highways are available to potential shippers including but not limited to Interstates 80, 15, and 215.

There is no reasonable alternative to the abandonment. It is apparent that the area of Salt Lake City serviced by the Line is actively undergoing a fundamental change away from industrial use, so UP is of the reasoned opinion that there is little possibility, if any, that a significant new rail-oriented industry would locate on the Line. The Line has not been a route for overhead traffic and is not in service at the present time.

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The Line was constructed in 1900 by the Denver and Rio Grande Western Railway. It is constructed primarily with 90-pound rail. The Line was sold to UTA in September, 2002.

A map of the Line is attached as **Attachment No. 1**.

(2) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Given the customer relocations, there will be no effect on regional or local transportation systems or patterns. There will be no diversion to other modes or systems.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:** (i) The Salt Lake County Council has been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted. To date, UP has received no response. However, the Parks & Recreation Division of the Utah Department of Natural Resources described this rail corridor as a crucial element in the area's public access and trail system and plans to incorporate the Line into its system. The Parks & Recreation Division of the Utah

Department of Natural Resources' response is attached hereto as **Attachment No. 3**, and is hereby made part hereof.

(iii) Not Applicable.

(iv) The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission. This area is adequately served by existing roads and utility lines at the present time.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Response:** (i) There will be no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moving over the Line.

(iii) There will be no effect on energy efficiency.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

**Response:** There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic of these magnitudes as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:



(i) an incremental increase in noise levels of three decibels Ldn  
or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater.  
If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:** (i) The U. S. Fish and Wildlife Service has been contacted and states there should be, "no effect" as a result of the proposed action. The U.S. Fish and

Wildlife response is attached hereto as **Attachment No. 4**, and is hereby made part hereof.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The Utah Department of Environmental Quality has been contacted and provided material outlining permit requirements during various construction activities. The Department of Environmental Quality's response is attached hereto as **Attachment No. 5**, and is hereby made part hereof.

(ii) The U.S. Army Corps of Engineers has been contacted and responded that the proposed abandonment will not require a permit. The U. S. Army Corps of Engineers' response is attached hereto as **Attachment No. 6**, and is hereby made part hereof.

(iii) In that the Line will remain in place and no salvage activity is contemplated, it is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

**Response:** See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

**Response:** The Line was sold to the Utah Transit Authority in September, 2002.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** The proposed abandonment does not contain any structures that are 50 years old or older.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** Not applicable.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line. In that the Line is currently owned by the UTA and will not be removed as a result of this abandonment, no historic sites, structures or archeological resources will be disturbed as a result of the proposed petition to abandon.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

**Response:** UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description

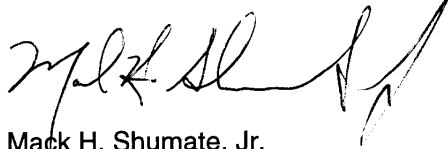
of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 20<sup>th</sup> day of October, 2004.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over the company name.

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

**CERTIFICATE OF SERVICE**  
**OF THE**  
**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 195X) for the Sugar House Branch in Salt Lake County, Utah was served by first class mail on the 20<sup>th</sup> day of October, 2004 on the following:

**State Clearinghouse (or alternate):**

Utah State Clearinghouse  
Office of Planning and Budget  
Room 116, State Capitol  
Salt Lake City, UT 84114

**State Environmental Protection Agency:**

Division of Environmental Health  
P.O. Box 16700  
Salt Lake City, UT 84116-0700

**State Coastal Zone Management Agency**  
**(if applicable):**

Not applicable.

**Head of County (Planning):**

Salt Lake County Council  
2001 South State Street, Suite N2100  
Salt Lake City, UT 84190-0001

**Environmental Protection Agency**  
**(regional office):**

U.S. Environmental Protection Agency  
Region VIII  
999 18th Street, Suite 500  
Denver, CO 80202-2466

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
Denver Federal Center  
Denver, CO 80225

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District, Sacramento  
District Commander  
1325 J Street  
Sacramento, CA 95814-2922

**National Park Service:**

National Park Service  
William D. Shaddox  
Chief, Land Resources Division  
1849 "C" St., N. W., #MS3540  
Washington, DC 20240

**U.S. Natural Resources Conservation**  
**Service:**

Natural Resource Conservation Service  
4402 Bennett Federal Building  
125 South State Street  
Salt Lake City, UT 84147

**National Geodetic Survey:**

National Geodetic Survey  
Frank Maida, Chief  
Spatial Reference System Division  
NOAA N/NGS23  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

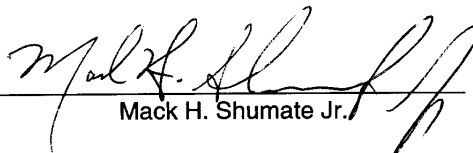
Utah State Historical Society  
300 Rio Grande  
Salt Lake City, UT 84101

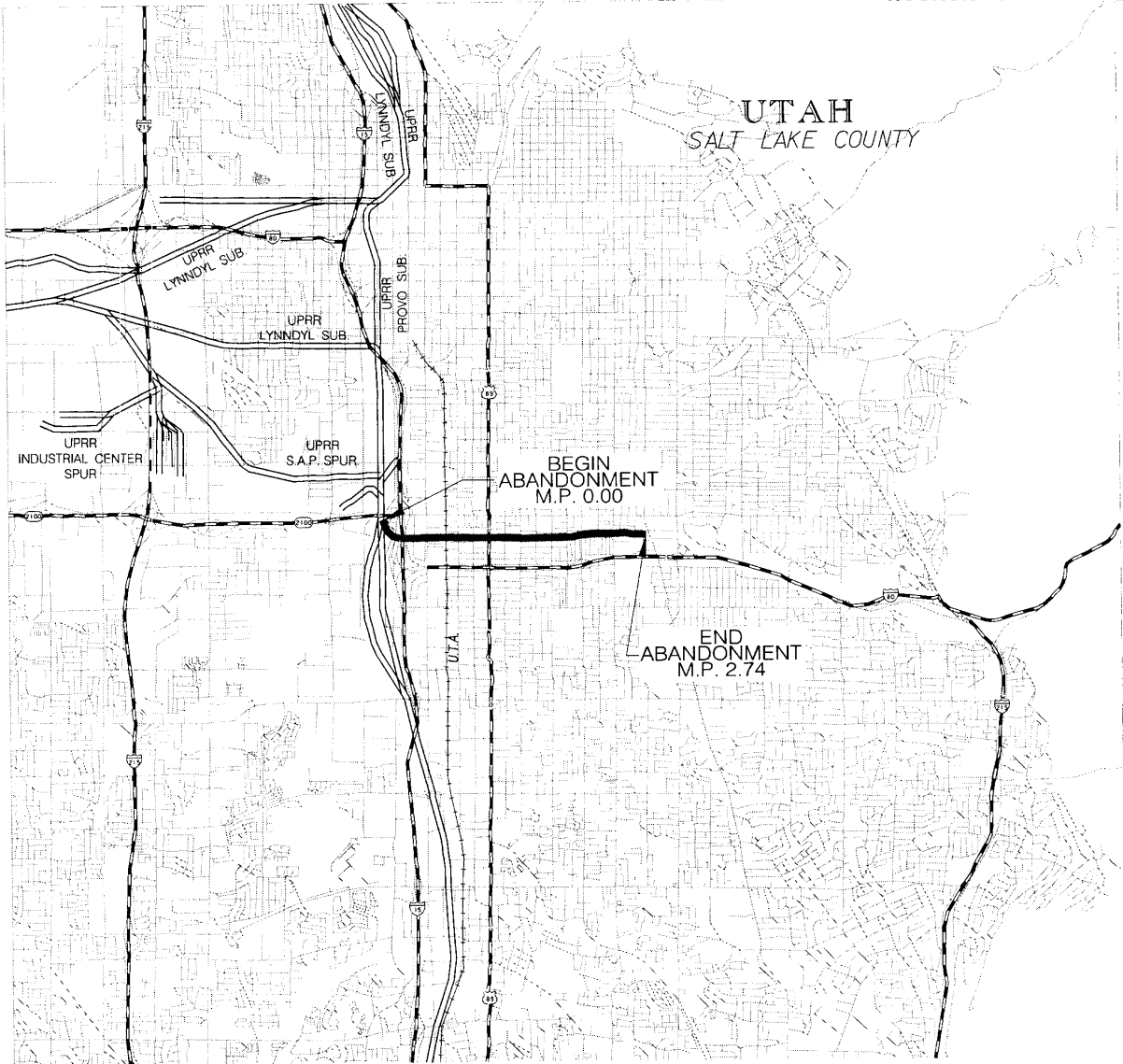
**Customer**

Burton Lumber  
1170 South 4400 West  
Salt Lake City, UT 84104

Harbison Walker Refractories  
4521 West 1980 South, Suite 503  
Salt Lake City, UT 84104-4719







Dated this 20<sup>th</sup> day of October, 2004

  
Mack H. Shumate Jr.



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

### LEGEND

- |   |   |
|---|---|
|  | UPRR LINES TO BE ABANDONED<br>(OWNED BY UTAH TRANSIT AUTHORITY) |
|  | OTHER UPRR LINES  |
|  | OTHER RAILROADS   |
|  | PRINCIPAL HIGHWAYS  |
|  | OTHER ROADS   |
|  | 50+ YEAR OLD STRUCTURES   |

SUGAR HOUSE BRANCH

MP 0.0 TO MP 2.74  
TOTAL OF 2.74 MILES  
IN SALT LAKE COUNTY, UTAH

UNION PACIFIC RAILROAD CO.

SUGAR HOUSE BRANCH

SALT LAKE CITY, UTAH

INCLUDING 50+ YEAR OLD STRUCTURES

FILE: q:\abandonments\ab0344\_sugarhouse.dgn

DATE: 03-Jun-04 10:00

AB-33 (Sub-No. 195X)





July 23, 2004

**State Clearinghouse (or alternate):**

Utah State Clearinghouse  
Office of Planning and Budget  
Room 116, State Capitol  
Salt Lake City, UT 84114

**State Environmental Protection Agency:**

Division of Environmental Health  
P.O. Box 16700  
Salt Lake City, UT 84116-0700

**State Coastal Zone Management Agency  
(if applicable):**

Not applicable.

**Head of County (Planning):**

Salt Lake County Council  
2001 South State Street, Suite N2100  
Salt Lake City, UT 84190-0001

**Environmental Protection Agency  
(regional office):**

U.S. Environmental Protection Agency  
Region VIII  
999 18th Street, Suite 500  
Denver, CO 80202-2466

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
Denver Federal Center  
Denver, CO 80225

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District, Sacramento  
District Commander  
1325 J Street  
Sacramento, CA 95814-2922

**National Park Service:**

National Park Service  
William D. Shaddox  
Chief, Land Resources Division  
1849 "C" St., N. W., #MS3540  
Washington, DC 20240

**U.S. Natural Resources Conservation  
Service:**

Natural Resource Conservation Service  
4402 Bennett Federal Building  
125 South State Street  
Salt Lake City, UT 84147

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Utah State Historical Society  
300 Rio Grande  
Salt Lake City, UT 84101

**Other Agencies Consulted:**

None.

**Re: Proposed Abandonment of the Sugar House Branch from M. P. 0.0 near Roper to the end of branch at M. P. 2.74 near Sugar House, a distance of 2.74 miles in Salt Lake City, Salt Lake County, Utah; STB Docket No. AB-33 (Sub-No. 195x)**

Law Department

UNION PACIFIC RAILROAD  
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
fx. (402) 501-0127

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Sugar House Branch from M. P. 0.0 near Roper to the end of branch at M. P. 2.74 near Sugar House, a distance of 2.74 miles in Salt Lake City, Salt Lake County, Utah. The line is now owned by UTA, so UP will abandon its freight operating easement and trackage rights. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

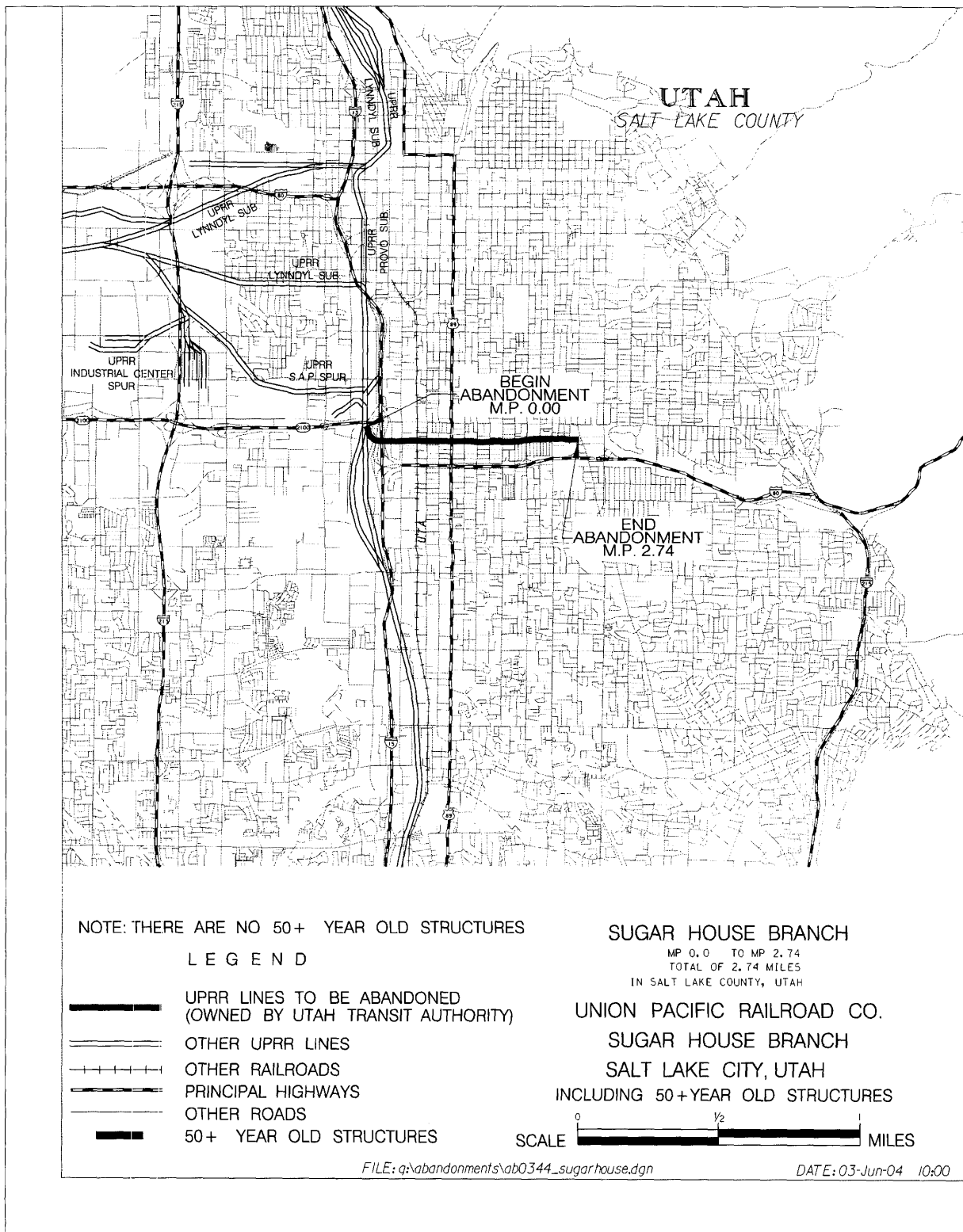
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylors, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

*Charles W. Saylor*  
Charles W. Saylor

Attachment





State of Utah

Department of  
Natural Resources

ROBERT L. MORGAN  
*Executive Director*

Division of  
Parks & Recreation

MARY L. TULLIUS  
*Division Director*

OLENE S. WALKER  
*Governor*

GAYLE F. McKEACHNIE  
*Lieutenant Governor*

August 3, 2004

Mr. Chuck Saylor  
Union Pacific Railroad  
1400 Douglas Street  
Mail Stop 1580  
Omaha, NE 68179

Re: Discontinuance of the **Sugar House Branch**, M.P. 0.0 at Roper to end of Branch at M.P. 2.74 in Salt Lake City, Salt Lake County, Utah (now owned by UTA)

Dear Mr. Saylor:

We are apprised of your abandonment of the Sugar House Branch (SHB) and discontinuance of service. This rail corridor is a crucial element in our area public access and trail system, connecting neighborhoods and the Great Western Trail, Bonneville Shoreline Trail in eastern Salt Lake County with the Jordan River Parkway system in the center of the valley. Our concept is to provide an east-west path or trail system in association with future light rail service. This alignment is implementive of the Governor's Olympic Trails Initiative of 2002. Recommendations were legitimized by public opinion surveys and public meetings in 2000 through 2001. Medical and fitness needs are now driving policy and action to provide non-motorized trails and urban paths within 10 minutes of urban residences. These efforts are spearheaded out of the Cardiovascular Health Services in the state Department of Health. We're now able to measure economic and health benefits from these paths. We are involved through our Trail Grant program and the State Comprehensive Outdoor Recreation Plan (SCORP) in the Utah Division of Parks and Recreation.

We currently manage an abandoned UPRR rail line from Park City to Echo Junction—some 30 miles as a "rail trail" under a CITU (interim use). The trail is heavily used and very successful supporting local businesses and enhancing contiguous property values: providing lots of exercise. We hope this will be the case with this abandonment. The purpose of this letter is to notify participants of our concerns and long-term objectives for abandoned rail corridors. We will share this letter with UTA and other trail advocates. Thank you for your consideration. If you have any questions: [TerryGreen@Utah.gov](mailto:TerryGreen@Utah.gov) or (801) 538-7346.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Tharold E. Green, Jr.".

Tharold E. Green, Jr., AICP, Realty & Planning, UDPR



United States Department of the Interior  
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE  
2369 WEST ORTON CIRCLE, SUITE 50  
WEST VALLEY CITY, UTAH 84119

In Reply Refer To

FWS/R6  
ES/UT  
01-1260

August 24, 2004

Chuck Saylor  
Union Pacific Railroad  
1400 Douglas Street  
Mail Stop 1580  
Omaha, NE 68179

RE: Union Pacific Abandonment of Railroad from Sugar House to Roper

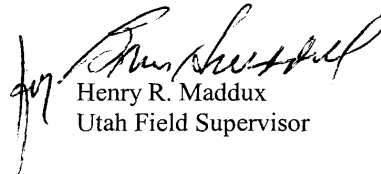
Dear Mr. Saylor:

Based on information provided in your letter of July 23, 2004, we concur with your "no effect" determination for threatened and endangered species and critical habitat. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

Only a Federal agency can enter into formal Endangered Species Act section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Bekee Megown, at (801) 975-3330 extension 146.

Sincerely,

  
Henry R. Maddux  
Utah Field Supervisor



State of Utah

Department of  
Environmental Quality

Dianne R. Nielson, Ph.D.  
*Executive Director*

DIVISION OF WATER QUALITY  
Walter L. Baker, P.E.  
*Acting Director*

**Water Quality Board**  
Ray M. Child, *Chair*  
Douglas E. Thompson, *Vice-Chair*  
Robert G. Adams  
David F. Echols  
Neil K. Kochenour  
Dianne R. Nielson  
Jay Ivan Olsen  
Joe Piccolo  
Ronald C. Sims  
J. Ann Wechsler  
Walter L. Baker  
*Acting Executive Secretary*

OLENE S. WALKER  
*Governor*

GAYLE F. McKEACHNIE  
*Lieutenant Governor*

ATTACHMENT NO. 5

August 20, 2004

Mr. Chuck Saylor  
Union Pacific Railroad  
1400 Douglas Street  
Mail Stop 1580  
Omaha, NE 68179

Dear Mr. Saylor:

Subject: Proposed Track Abandonment Project, 2.74 Miles of the Sugar House Branch from M.P.00 near Roper to M.P. 2.74 near Sugar House

I appreciated speaking with you on Wednesday, August 18, 2004 regarding permits that may be required from the Utah Division of Water Quality for the proposed track abandonment project in Salt Lake City.

The following permits from our Division may be required during the construction phase of the project:

1. Construction activities that grade 1 acre or more per common plan are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTR100000. The permit requires the development of a storm water pollution prevention plan to be implemented and updated from the commencement of any grading activities at the site until final stabilization of the project. A fact sheet describing the permit requirements and application procedures is attached.
2. Dewatering activities during the construction may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations.

If you have any questions concerning these comments, do not hesitate to contact me at (801) 538-6058 or Tom Rushing of my staff at (801) 538-6951. Thank you.

Sincerely,

Michael D. Herkimer, Manager  
Permits and Compliance Section

cc: Florence Reynolds, Salt Lake City Public Utilities (letter only)



## Construction Storm Water Fact Sheet Utah Pollutant Discharge Elimination System (UPDES)

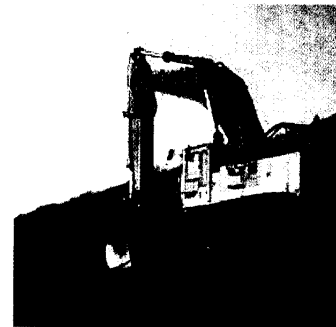
Utah Division of Water Quality

January, 2003

*This fact sheet announces the new online storm water permitting system, provides an overview of the permit requirements, and answers common questions. Those desiring more information may contact the individual listed in the box below.*

### Storm Water Permit Applications May Now Be Filed Online

Utah has launched an online application process for storm water construction permits. The operator of a small or large construction activity can now apply and pay for permit coverage over the Internet. The process takes about 20 minutes; permit coverage is issued on the spot.



### Permits Required for Construction Activities

Generally, a landowner or primary contractor who plans a construction activity which will disturb one or more acres of land is required to obtain a permit. The application requirement may be waived for a small site if construction is occurring within a Phase I or Phase II municipal area. A listing of these areas is provided in the online application. The permit may also be waived for a small site if construction will be started and finished - meaning paving, re-vegetating, or placing similar erosion controls in place - between January 1 and April 30 of the same calendar year.

Utah's permit requirements are based on EPA regulations designed to control municipal and industrial storm water and to reduce the amount of pollutants entering rivers, lakes, and streams. (*See Utah Administrative Code (UAC) R317-8-3.9*) The Utah Department of Environmental Quality, Division of Water Quality administers the program.

#### Where To Find Things

##### Online Application:

<http://www.waterquality.utah.gov/updes/stormwater.htm>

##### Storm Water Regulation:

<http://www.rules.state.ut.us/publicat/code/r317/r317.htm>

**Questions?** *I'm happy to help answer your questions.*

*Write, call or e-mail:*

Tom Rushing - [trushing@utah.gov](mailto:trushing@utah.gov)

Utah Division of Water Quality

288 N. 1460 West

Salt Lake City, UT 84114-4870

Phone: (801) 538-6951

Fax (801) 538-6016

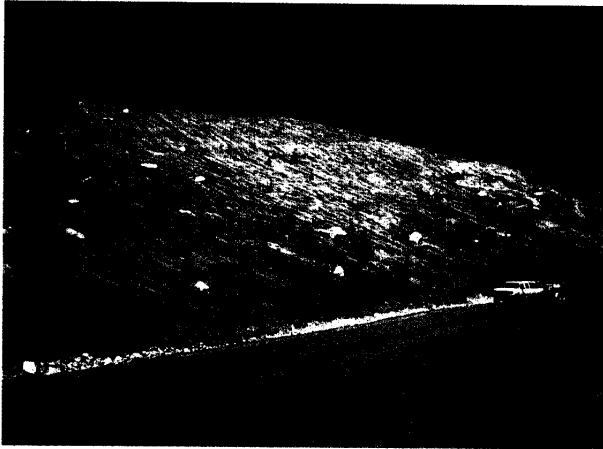
Phase I of the program targeted construction activities on five acres of land or more and went into effect in 1992. Phase II followed in 2001, targeting smaller projects involving one to five acres of land. As of March 10, 2003, these construction sites must be covered under the storm water general permit for construction activities unless the project qualifies for a Low Erosivity Waiver or it falls within a Phase I or Phase II municipal area.



## Answers to Frequently Asked Questions

### Q: What construction activities need storm water permits?

Any construction that disturbs one acre of land or more needs either a UPDES Storm Water General Permit for Construction Activities (Permit #UTR100000) or an alternate individual permit.



*Example of ongoing cut slope stabilization/revegetation*

There are a few exceptions:

→ The ***application requirement*** may be waived for a small construction site if construction is occurring within a Phase I or Phase II municipal area. (*Note: A complete list of these areas can be found on the permit application page.*) The operator will be referred to the local municipal offices to coordinate compliance with the permit provisions (including the development of a Storm Water Pollution Prevention Plan before construction begins) as well as with any applicable local ordinances or policies.

→ The ***permit*** may be waived for small construction sites if construction will be started and finished - meaning paving, re-vegetating, or placing similar erosion controls in place - between January 1 and April 30 of the same calendar year. (Low Erosivity Waiver) Reasonable measures to control erosion and sediment must still be used in case runoff occurs during this time period.

### Q: What is required in a permit?

A permit is needed BEFORE construction starts and must be maintained through final site stabilization - meaning that all disturbed areas have either been built on, paved, re-vegetated or equivalent permanent, physical erosion controls have been placed. (*Note: If a site is re-vegetated, then a cover must be established with a density of at least 70% of pre-disturbance levels to be considered "finally stabilized." Re-seeding alone does not qualify.*)

Your permit requires you to control and eliminate storm water pollution sources through the development and implementation of a Storm Water Pollution Prevention Plan. In the Plan, you identify possible sources of storm water pollutants then select Best Management Practices (BMPs) to reduce or eliminate their impacts.

BMPs are the most important element of this Plan. The aim is to control storm water sediment and erosion to the maximum extent practicable. Controls can encompass a wide range of structural and non-structural options:

- Structural controls could include, for example, the installation of a silt fence or the construction of a stabilized construction entrance/exit.
- Non-structural controls could include, for example, the maintenance of a vegetative filter strip.



*Stabilized construction entrances (left) allow dirt to be removed from tire treads and collected as trucks leave construction sites. Grass mulch applied to stabilized exposed soils reduces storm water run off velocity.*

The permit also requires routine inspection of the controls at least once every 14 days. The inspections should identify whether any of the controls need maintenance and if they are being effective. If deficiencies are found during inspections, the maintenance should be done and documented as follow up.

#### **Q: How does the online application work?**

The application takes about 20 minutes to complete.

You will first be asked a series of screening questions. Depending on your answers, you will be guided to (1) the Notice of Intent or NOI form, or (2) if you are a small construction site that plans to start and finish between January 1 and April 30 of the same calendar year, you will be sent to the Low Erosivity Waiver; or (3) if your small construction project is occurring in a Phase I or Phase II municipal area, you will be referred to a local municipal contact person.

If you need a permit, the system will prompt you to fill out the NOI form, then to certify the information is accurate.

The system will next move to the payment screen. The permit fee is automatically calculated by the system. If you represent a state or local governmental agency, you will be allowed to bypass this screen. Permit fee payments can be made by Visa, Mastercard or e-check. If you want to send a check by mail, the application can be submitted as "pending." Mailed checks must be received within four working days or the NOI will be deleted. The program will also allow you the option of printing off the NOI and submitting it and your check by mail.

Permit coverage is then issued on the spot and you will be assigned your own permit number.

Remember, before you apply online, you need to have developed your Storm Water Pollution Prevention Plan.

**Q: You mentioned small construction activity. What is the difference between a small and a large construction activity?**

A large construction activity (Phase I):

- disturbs five acres or greater; or
- disturbs less than five acres but is part of a larger common plan of development or sale whose total land disturbing activities total five acres or greater.

A small construction activity (Phase II):

- disturbs between one and less than five acres of land; or
- disturbs less than one acre but is part of a larger, common plan of development or sale whose total land disturbing activities are between one and five acres.

**Q: How do you define “disturbs”? Does it mean the entire acreage of the site or just the area where construction is actually occurring?**

It means the total area site where any construction activity is expected to disturb the ground surface. This includes any activity that could increase the rate of erosion, including, but not limited to, clearing, grading, excavation, demolition activities, haul roads, and areas used for staging.

**Q: When is a construction project considered part of a larger common plan of development or sale?**

“A common plan of development or sale” is a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include:

- 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g. a development where lots are sold to separate builders);
- 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and
- 3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility.

If the project is part of a common plan of development or sale, the disturbed area of the entire plan must be used in determining permit requirements.





Based on the information provided  
A Department of the Army permit is not required  
Project# 200450166

Signed ASutton Date 4 Aug 04  
Utah Regulatory Office

July 23, 2002

**State Clearinghouse (or alternate):**

Utah State Clearinghouse  
Office of Planning and Budget  
Room 116, State Capitol  
Salt Lake City, UT 84114

**State Environmental Protection Agency:**

Division of Environmental Health  
P.O. Box 16700  
Salt Lake City, UT 84116-0700

**State Coastal Zone Management Agency  
(if applicable):**

Not applicable.

**Head of County (Planning):**

Salt Lake County Council  
2001 South State Street, Suite N2100  
Salt Lake City, UT 84190-0001

**Environmental Protection Agency  
(regional office):**

U.S. Environmental Protection Agency  
Region VIII  
999 18th Street, Suite 500  
Denver, CO 80202-2466

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 6  
Denver Federal Center  
Denver, CO 80225

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District, Sacramento  
District Commander  
1325 J Street  
Sacramento, CA 95814-2922

**National Park Service:**

National Park Service  
William D. Shaddox  
Chief, Land Resources Division  
800 North Capitol Street, NE., Room 500  
Washington, D.C. 20002

**U.S. Natural Resources Conservation  
Service:**

Natural Resource Conservation Service  
4402 Bennett Federal Building  
125 South State Street  
Salt Lake City, UT 84147

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

Utah State Historical Society  
300 Rio Grande  
Salt Lake City, UT 84101

**Other Agencies Consulted:**

None.

Re: Proposed Abandonment of the Sugar House Branch from M. P. 0.0 near Roper to the end of branch at M. P. 2.74 near Sugar House, a distance of 2.74 miles in Salt Lake City, Salt Lake County, Utah; STB Docket No. AB-33 (Sub-No. 195x)

Law Department

UNION PACIFIC RAILROAD  
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580  
fx. (402) 501-0127

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Sugar House Branch from M. P. 0.0 near Roper to the end of branch at M. P. 2.74 near Sugar House, a distance of 2.74 miles in Salt Lake City, Salt Lake County, Utah. The line is now owned by UTA, so UP will abandon its freight operating easement and trackage rights. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

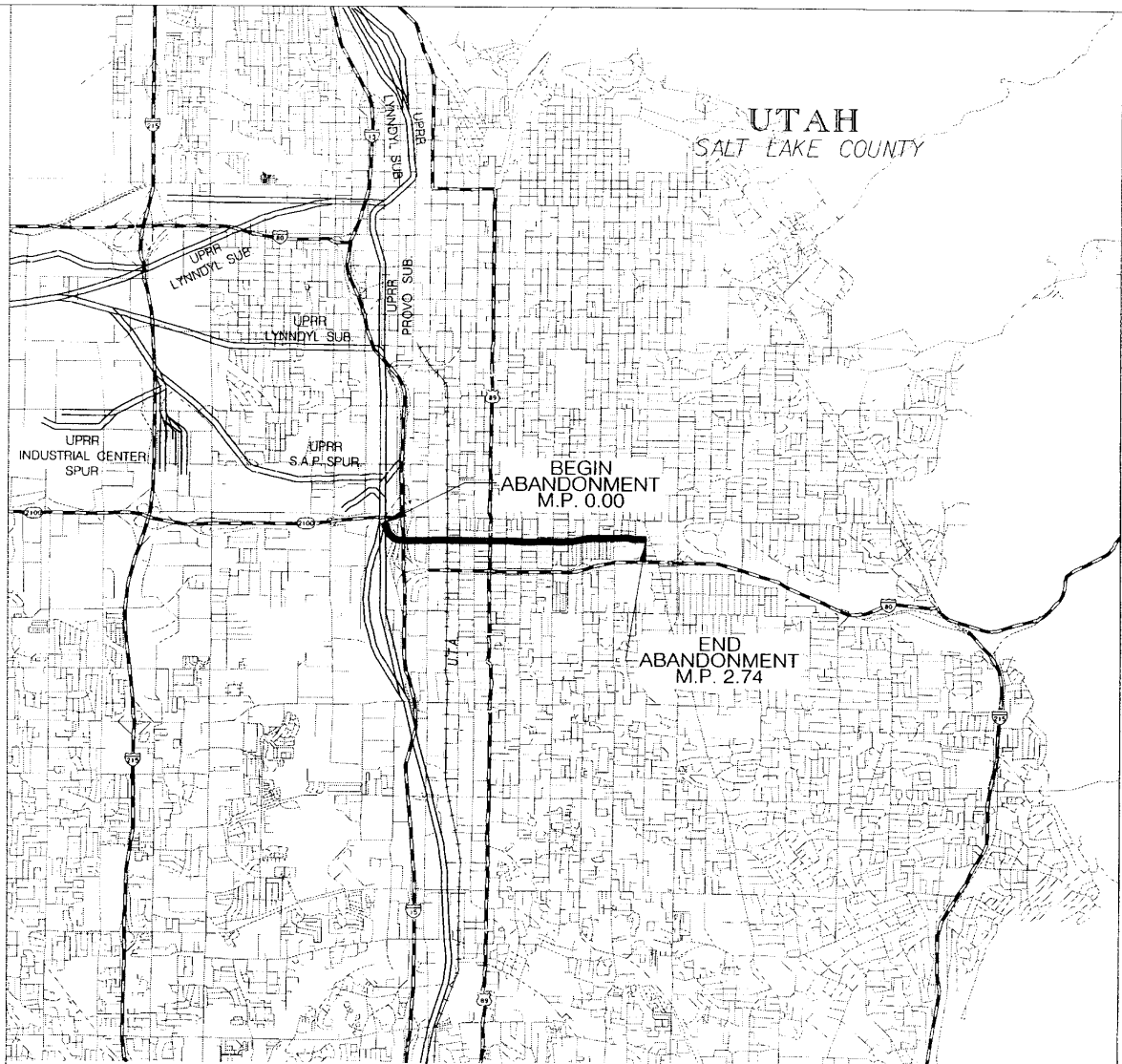
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,



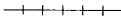



*Charles W. Saylor*  
Charles W. Saylor

Attachment



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

#### LEGEND

-  UPRR LINES TO BE ABANDONED (OWNED BY UTAH TRANSIT AUTHORITY)
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

#### SUGAR HOUSE BRANCH

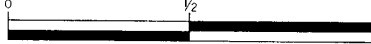
MP 0.0 TO MP 2.74  
TOTAL OF 2.74 MILES  
IN SALT LAKE COUNTY, UTAH

UNION PACIFIC RAILROAD CO.

SUGAR HOUSE BRANCH

SALT LAKE CITY, UTAH

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE  MILES

FILE: q:\abandonments\ab0344\_sugarhouse.dgn

DATE: 03-Jun-04 10:00